STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF ILLINOIS)
Petition for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to))) Docket No. 12-0598) (on Rehearing)
Construct, Operate and Maintain a New High Voltage)
Electric Service Line and Related Facilities in the)
Counties of Adams, Brown, Cass, Champaign,)
Christian, Clark, Coles, Edgar, Fulton, Macon,)
Montgomery, Morgan, Moultrie, Pike, Sangamon,)
Schuyler, Scott and Shelby, Illinois.)

REPLY BRIEF OF ERIC AND JULIA SPRAGUE

Table of Contents

l.	Inti	roduction	. 1
11.	Leg	gal Standard	. 1
Ш.		Project Connection Through Kincaid versus Pana	
IV.	F	Rehearing Routes	. 1
Α	Lu:	Meredosia-Pawnee	. 1
В		Location of Mt. Zion Substation	. 1
С		Pawnee – Mt. Zion	. 1
	1.	Pawnee – Mt. Zion via Kincaid	. 2
	2.	Pawnee – Mt. Zion via Pana	. 2
	i	i. Pawnee – Pana (including Ramey/Raynolds Option)	. 2
	i	ii. Pana – Mt. Zion	. 2
D		Mt. Zion – Kansas	. 6
V.	Се	ertificate for Other Substations	. 6
Α		Resolved	. 6
В		Contested	. 6

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Schuyler, Scott and Shelby, Illinois.	

Eric and Julia Sprague (the "Sprague's") submit their Reply Brief in accordance with the order of the Administrative Law Judges and Rules of Practice of the Illinois Commerce Commission ("Commission" or "ICC").

I. Introduction

This Reply Brief will respond to matters raised in the initial briefs of Ameren

Transmission Company of Illinois ("ATXI") and the Commission Staff pertaining to the

Pana to Mt. Zion route as it impacts the Sprague's and their property. This Reply brief

will not repeat the statements and arguments contained in the portions of the outline

provided in the Initial Brief.

- II. Legal Standard
- III. Project Connection Through Kincaid versus Pana
- IV. Rehearing Routes
 - A. Meredosia-Pawnee
 - B. Location of Mt. Zion Substation
 - C. Pawnee Mt. Zion

- 1. Pawnee Mt. Zion via Kincaid
- 2. Pawnee Mt. Zion via Pana
 - i. Pawnee Pana (including Ramey/Raynolds Option)
 - ii. Pana Mt. Zion

As stated in their Initial Brief, the Sprague's own 32.5 acres of timber land along with an adjoining two acres on which their residence is located, at 2378 E. 1900 North Road, Moweaqua, IL, lying along and abutting the west side of N. 2400 E Road. A Shelby Cooperative electric line runs along the road. A cemetery is located just over 300 feet from the eastern edge of the Sprague's property, and their residence is located to the west of the cemetery. The proposed route for the new ATXI line would run, within the "hitch" area described by Mr. Sprague in his Rebuttal Testimony, North along N. 2400 E Road, passing by the Sprague's property. This portion of the proposed route is shown on Sprague Exhibit 1.2 (p. 1), which also was ATXI Exhibit 4.2 (part 61 of 100) in the initial proceeding.

Mr. Sprague offered three routing alternatives. The first alternative is for ATXI to continue along the path of the existing 138kV line, and avoid the hitch altogether. The second (see Sprague Ex. 1.3) and third (see Sprague Ex. 1.4) alternatives each involve shortening the hitch to eliminate or lessen the negative impacts resulting from ATXI's proposed hitch route.

Mr. Sprague identified one residence which the first alternative would impact.

The second alternative, which results in a smaller hitch and shorter length, and avoids the three residences impacted by ATXI's proposed route, the Sprague's timber, as well as the Shelby Co-op electric line and the cemetery. The third alternative results in an even smaller hitch and a shorter length, and avoids the three residences impacted by

ATXI's proposed route, the Sprague's timber, as well as the Shelby Co-op electric line and the cemetery.

In its Initial Brief on Rehearing, ATXI continues to oppose the Commission Staff's proposed route for the Pawnee to Mt. Zion segment that is routed through the Kincaid Substation. In advocating for the Pawnee to Pana to Mt. Zion route, ATXI has accepted the Staff's modification affecting the portion of the Pana to Mt. Zion segment that lies north of the Christian/Macon County line. In its Initial Brief, ATXI refers to this modified Pana to Mt. Zion segment as the "Modified Route." ATXI Initial Brief (RH) at 30.

ATXI included, at p. 31 of its Initial Brief (RH), a map of the Modified Route, which retains the "hitch" located to the west of Moweaqua and which affects the property of the Sprague's. ATXI dismissively describes the position of the Sprague's as wanting to "move structures" so that the line is on their neighbors' properties. ATXI Initial Brief (RH) at 32. ATXI also stated in its brief that it will "work with" Mr. Sprague during the "final line design phase" to address his concerns. In the initial proceeding, however, ATXI witness Murbarger described a restricted flexibility. He stated in his rebuttal testimony that, once the route is approved, "ATXI has some limited flexibility in determining where the physical structures of the poles are located. Structures can be moved up to five feet from the centerline of the route...." ATXI Ex. 16.0, lines 68-77 (initial proceeding). This leaves ATXI little room to "work with" affected landowners like the Sprague's.

In its Initial Brief, the Staff took note of the disadvantages of incorporating ATXI's proposed hitch: it increases the length of the line; it increases the costs of construction

and of operations and maintenance; and it impacts several additional residences. ¹ Of the three alternatives Mr. Sprague offered to alleviate or mitigate these disadvantages, Staff supports Alternative 3, as depicted on Sprague Exhibit 1.4, as the superior route. Staff Initial Brief at 19.

The Staff qualified its support by stating that it is not clear whether notification of affected landowners occurred. On December 2, 2013, the date Eric Sprague's Rebuttal Testimony was filed, the Sprague's also filed a Landowner List showing the names and addresses of each landowner affected by each of the three alternative routes Mr. Sprague described in his prepared testimony and exhibits. Notice and Sprague Landowner List (Dec. 2, 2013). The names of the affected landowners on the Sprague Landowner List are:

Billy L. Adams
James D. and Joylene J. Cleveland
Harold E. & Patricia Ann Adams

Each of these landowners also appears on the updated landowner list filed by ATXI on October 7, 2013. Attached hereto as Exhibit A to Sprague Reply Brief is the portion of ATXI's updated landowner list applicable to the Pana-Mt. Zion Primary Route. The landowners listed on the Sprague Landowner List also appear on the ATXI list, and are circled to facilitate identification. Consequently, Staff's concern over notice should not be a concern to the Staff, other parties, the ALJs and the Commission.

The Sprague's continue to support any of the three alternative routes described in Mr. Sprague's testimony and exhibits in the area of the hitch. Of the three, the Staff supports Alternative 3 (Sprague Exhibit 1.4). A comparison of ATXI's proposed route in

4

¹ It does not appear that any of these disadvantages were made part of the record in the initial proceeding in this matter.

the area of and incorporating the hitch with Sprague Alternative 3 (supported by Staff) across the 12 established routing criteria shows the following.

Criterion	ATXI	Sprague/Staff
a. Length of Line		1
b. Difficulty and Cost of Construction		V
c. Difficulty and Cost of Operation and Maintenance		V
d. Environmental Impacts		
e. Impacts on Historical Resources		
f. Social and Land Use Impacts		1
g. Number of Affected Landowners and other Stakeholders		V
h. Proximity to Homes and Other Structures		1
 i. Proximity to Existing and Planned Development 		
j. Community Acceptance		1
k. Visual Impact		1
I. Presence of Existing Corridors	V	

Of the twelve routing criteria, 8 favor Alternative 3 supported by the Sprague's and Staff, while only 1 favors ATXI. And, as will be explained further below, the one criterion favoring ATXI is negated by other factors.

Additional Comments on Pana – Mt. Zion Segment

The initial leg of Sprague Alternative 3 runs along the South side of 1900 North Road, which increases the distance from the two residences located to the North of the Road and creates a roadway separation. In its Initial Brief (RH), ATXI cites ATXI Ex. 4.2

(Pt 1 of 100, p. 15) in support of its contention that the Modified Route utilizes county roads and property lines and parallels an existing 138kV transmission line. ATXI Reply Brief (RH) at 34. The referenced page, from one of Ms. Murphy's exhibits in the initial proceeding, describes the Pana to Mt. Zion Primary Route. It describes on which side of the 138kV line the new line would be located, and states that it "extends north along the west side of N 2400E Road for approximately a half mile." This road abuts the Sprague's property, which lies to the west. Sprague Exhibit 1.0, p. 3, lines 29-30. ATXI's cited reference to this page of the voluminous exhibits sponsored by Ms. Murphy in the initial proceeding was not provided to the Sprague's in response to a data request to which such reference would clearly have been responsive. See Sprague Cross Exhibit 1. On cross-examination, moreover, Ms. Murphy professed to have no knowledge of where the new line would be routed relative to this road. Tr. (RH), p. 142, lines 18-22. Given that the existing Shelby Electric Cooperative line lies along the west side of N. 2400 E Road (Sprague Ex. 1.0, p. 9, lines 173-74), and ATXI plans to locate the new line along the same west side of the road, then the new line would have to be placed further into the Sprague's property in order to maintain clearances, thereby destroying more of the Sprague's timber. Mr. Sprague described his fear of this extensive intrusion into his forested property in his unchallenged testimony. Sprague Ex. 1.0, p. 9, lines 177-180.

- D. Mt. Zion Kansas
- V. Certificate for Other Substations
 - A. Resolved
 - B. Contested

Conclusion

The Sprague's support Staff's proposed routing of the Pawnee to Mt. Zion segment utilizing the Kincaid Substation. If the Commission, however, declines to approve the Staff-supported segment, then the Sprague's position is that the Pana to Mt. Zion segment has not been sufficiently described and supported under existing Illinois law to enable the Commission to approve that segment. Furthermore, with respect to the Pana to Mt. Zion segment, in the area of the hitch, Sprague Alternative 3, supported by the Commission Staff, is superior to ATXI's proposed routing within the hitch area.

WHEREFORE, in the event the Commission approves a Pana to Mt. Zion segment, Eric and Julia Sprague respectfully request that the Commission decline to approve incorporation of ATXI's proposed hitch portion of the Pana to Mt. Zion route segment in this proceeding, and that it instead it order ATXI to route the line in the hitch are of the Pana to Mt. Zion segment as described in Sprague Alternative 3 (Sprague Ex. 1.4), endorsed by Staff.

Dated: January 7, 2014

Respectfully submitted,

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